



DIVISION OF HUMAN RESOURCES  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
CLASSIFICATION/COMPENSATION

TEST FOR EXECUTIVE EXEMPTION FROM MINIMUM WAGE  
AND OVERTIME PAY STANDARDS (29 CFR, Part 541)

Position Classification: \_\_\_\_\_ Position Number: \_\_\_\_\_  
Employee Name: \_\_\_\_\_  
Institution/Division: \_\_\_\_\_ Department/Unit: \_\_\_\_\_

The Fair Labor Standards Act (FLSA) considers employees subject to overtime and minimum wage requirements unless their positions have been specifically determined to be exempt. This exemption is based on an evaluation of the employee's duties and responsibilities, which may offer an exemption if the position is considered executive, administrative, professional, professional creative, or in a computer-related occupation (Section 13(a) (1). This document is designed to apply a "test" to determine whether a position is exempt or non-exempt according to FLSA criteria.

For detailed definitions and exemption requirements:

1. click on this website: <http://www.dol.gov/esa/regs/compliance/whd/fairpay/main.htm>
2. click on "Executive Employees."

**EXECUTIVE EMPLOYEE**

An employee is exempt as an executive, if all conditions are met.

	YES	NO
1. Is the employee compensated, on a salary basis, at a rate not less than \$455 per week?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the employee spend a majority of his/her time in the management of an agency, institution, school, or permanent subdivision of the department?	<input type="checkbox"/>	<input type="checkbox"/>
Discussion: The following types of work are normally exempt when performed by an employee in the management of his/her department or the supervision of the employees under him/her: interviewing, selecting, and training employees, setting and adjusting rates of pay and hours of work, directing work, maintaining production records for use in supervision or control, appraising productivity and efficiency for the purpose of recommending promotions or other changes in status, handling complaints and grievances and disciplining, planning work, determining techniques to be used, apportioning work among workers, providing for safety of employees and property, planning/controlling budget, and monitoring legal compliance.		
3. Does the employee supervise two or more full-time employees, or an equivalent combination part time employees, which equates to at least 80 hours supervised per work-week, and is this depicted on a current organizational chart?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the employee have the authority to hire or fire other employees, or are his/her suggestions and recommendations as to hiring or firing and as to advancement and promotion, or any other change of status of the employees supervised, given particular weight?	<input type="checkbox"/>	<input type="checkbox"/>

**Final Determination**

Exempt

☐

Non Exempt  
(subject)

☐

Reviewed: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_